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THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope with sufficient postage for 1st class and addressed to Mail Stop Petitions, Commissioner of Patents P.O. BOX 1450, ALEXANDER, Va. 22313 on 23 MAY 2006..

Lynn A. Buckner
Signature

Applicant : Buckner, Lynn A.
Application No. : 10/624,868
Filed : 07/22/2003
Title : AIR OVER WATER DEMOLITION

Assistant Commissioner for Patents
Washington, D.C. 20231

LYNN A. BUCKNER
Post Office Box 609
Chickamauga, GA 30707

Commissioner:

A Petition under 1.181 to withdraw the holding of abandonment of Application #10/624,868.

In response to a 03/31/2006 Notice of Abandonment concerning Application No. 10/624,868 filing Date 07/22/2003 entitled Air over Water Demolition By Inventor Lynn A. Buckner, Said Patent has not been abandoned on my part, and I Respectfully request that you not abandon it. I here by certify that I personally deposited a Response, to Examiner Christopher J. Novosad's 23 May 2005 office Action, in the U.S. postal Service on 9 June 2005. The response was mailed 1st class to the Comm. Of Patents P.O. Box 1450, Alexandria, Va. 22313 along with a Document Identification card which was stamped 13 June 2005 by your receiving clerk. (copy attached)

I also followed up With Mr. Novosad no less than 3 times as to why it had not been placed on his docket. His response was that it had been received but the clerical Dept. had not followed through.

It was UNAVOIDABLE on my part, that the application was abandoned.

Respectfully submitted,

Lynn A. Buckner
Lynn A. Buckner
Cell 423-413-7823



Notice of Abandonment

Application No.

10/624,868

Examiner

Christopher J. Novosad

Applicant(s)

BUCKNER, LYNN A.

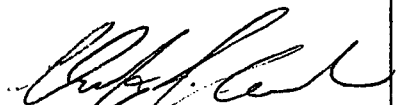
Art Unit

3641

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 May 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

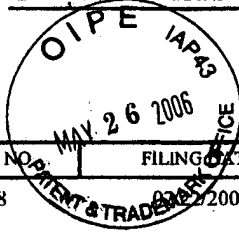

Christopher J. Novosad
Primary Examiner
Art Unit: 3641

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,868	03/31/2003	Lynn A. Buckner		7656

LYNN A. BUCKNER
P.O. Box 609
CHICKAMAUGA, GA 30707

EXAMINER	
NOVOSAD, CHRISTOPHER J	
ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



DOCUMENT IDENTIFICATION POSTCARD

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Lynn A. Buckner
Signature

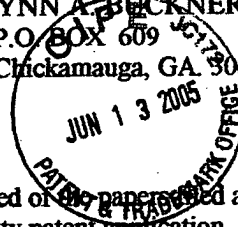
APPLICATION # 10/624,868

Filing Date 07-22-03

INVENTION TITLE: Air over water Demolition

INVENTOR : LYNN A. BECKNER Phone# 423-413-7823
P.O. BOX 609
Chickamauga, GA. 30707

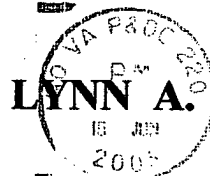
Letter to Commissioner
Claims Amendment



2 Page
4 Pages

Receipt is hereby acknowledged of the papers submitted as indicated in connection With the above identified utility patent application.

COMMISSIONER OF PATENTS

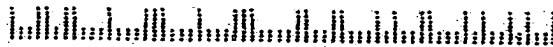
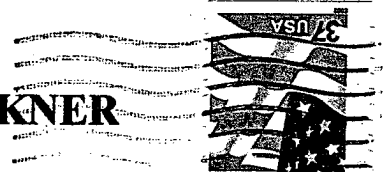


LYNN A. BUCKNER

P. O. BOX 609

CHICKAMAUGA, GA.

30707





TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

copy

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Lynn A. Buckner
Signature

Applicant : Buckner, Lynn A.
Application No. : 10/624,868
Filed : 22 July 2003
Title : Air over water Excavation [Demolition]

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

LYNN A. BUCKNER
Post Office Box 609
Chickamauga, GA

Commissioner:

In the title please substitute Excavation for [Demolition]

In response to the Examiners Election/Restriction requirement, Applicant elects claims 12, 14-16 and 18-21 without traverse.

In response to the Examiners Election of species requirement, Applicant elects Species I, Fig. 1. Applicant identifies claims 12, 14-16 and 18-21 as being readable thereon.

In the Claims, please amend the above-identified application as follows:
Claims 11, 13 and 17 have been cancelled.
Please amend claims 14-16 and 18-21 as follows in the attachment below.
Please add claim 22.

It is believed that the claims are now in a condition of allowance.

WHAT IS CLAIMS**10 CLAIMS 1-10 (Previously DELETED)****CLAIM 11 (Cancel)**

CLAIM 12 (Currently Amended) A method of excavation [demolition] comprising the
15 steps of: providing a container having means to first fill said container with a gas, and
second having means to add a liquid under pressure into said container thus further
compressing and pressurizing said gaseous propellant over said liquid, and said container
having a dispensing orifice, and having means to abruptly open said orifice thus said
gaseous propellant propels [propelling] said liquid from said container through said
20 orifice, and having a means to direct said liquid in the direction to impact a target.

CLAIM 13 (Cancel)

CLAIM 14 (Currently Amended) A method as described in claim [11,] 12[, or 13]
further comprising the steps of: [wherein] providing a diaphragm which is located
between said liquid and said gas.

25 **CLAIM 15 (Currently Amended)** A method as described in claim [11,] 12[, or 13]
further comprising the steps of: [wherein] said liquid is dispensed through a plurality of
orifices.

CLAIM 16 (Currently Amended) A method as described in claim [11,] 12[, or 13]
further comprising the steps of: [wherein said] providing a means to direct said liquid as
30 it is propelled through said orifice in said container and said orifice is a conduit.

CLAIM 17 (Cancel)

CLAIM 18 (Currently Amended) A method as described in claim [11,] 12[, or 13]

further comprising the steps of: [wherein] providing a vacuum conduit suction end which
is placed in proximity to the substance being made vacuum able.

10 **CLAIM 19 (Currently Amended)** A method as described in claim [11,] 12[, or 13]

further comprising the steps of: [wherein] providing a vacuum conduit which is

positioned in communication with said container and said liquid dispensing orifices so as
to position the suction end of said vacuum conduit within vacuum able relationship to the
substance being made vacuum able by the impact of the dispensed liquid.

15 **CLAIM 20 (Currently Amended)** A method as described in claim [11,] 12[, or 13]

further comprising the steps of: [wherein] an arrangement of valves which work in
communication with each other to systematically fill said container first with said gas,
second with said liquid and then abruptly dispense said liquid from said container.

CLAIM 21 (Currently Amended) A method as described in claim [11,] 12[, or 13]

20 further comprising the steps of: wherein a processor controller means manages said
container gaseous fill, or said liquid fill, or pressure within said container or said abrupt
discharge of said propelled liquid, or said direction control of said propelled liquid.

CLAIM 22 (New) A method as described in claim 12, further comprising the steps of:

providing a plurality of said containers, or a plurality of said fill orifices, or a plurality of
25 said gaseous fill means, or a plurality of said liquid fill means, or a plurality of said
dispensing orifices, or a plurality of said dispensing conduits or a plurality of said targets
to impact.

WHAT IS CLAIMS**CLAIMS 1-10 (Previously DELETED)****CLAIM 11 (Cancel)**

CLAIM 12 (Currently Amended) A method of excavation comprising the steps of:
providing a container having means to first fill said container with a gas, and second

having means to add a liquid under pressure into said container thus further compressing
and pressurizing said gaseous propellant over said liquid, and said container having a
dispensing orifice, and having means to abruptly open said orifice thus said gaseous
propellant propels said liquid from said container through said orifice, and having a
means to direct said liquid in the direction to impact a target.

CLAIM 13 (Cancel)

CLAIM 14 (Currently Amended) A method as described in claim 12 further
comprising the steps of: providing a diaphragm which is located between said liquid and
said gas.

CLAIM 15 (Currently Amended) A method as described in claim 12 further

comprising the steps of: said liquid is dispensed through a plurality of orifices.

CLAIM 16 (Currently Amended) A method as described in claim 12 further comprising
the steps of: providing a means to direct said liquid as it is propelled through said orifice
in said container and said orifice is a conduit.

CLAIM 17 (Cancel)

CLAIM 18 (Currently Amended) A method as described in claim 12 further comprising the steps of: providing a vacuum conduit suction end which is placed in proximity to the substance being made vacuum able.

CLAIM 19 (Currently Amended) A method as described in claim 12 further comprising the steps of: providing a vacuum conduit which is positioned in communication with said container and said liquid dispensing orifices so as to position the suction end of said vacuum conduit within vacuum able relationship to the substance being made vacuum able by the impact of the dispensed liquid.

CLAIM 20 (Currently Amended) A method as described in claim 12 further comprising the steps of: an arrangement of valves which work in communication with each other to systematically fill said container first with said gas, second with said liquid and then abruptly dispense said liquid from said container.

CLAIM 21 (Currently Amended) A method as described in claim 12 further comprising the steps of: wherein a processor controller means manages said container gaseous fill, or said liquid fill, or pressure within said container or said abrupt discharge of said propelled liquid, or said direction control of said propelled liquid.

CLAIM 22 (New) A method as described in claim 12, further comprising the steps of: providing a plurality of said containers, or a plurality of said fill orifices, or a plurality of said gaseous fill means, or a plurality of said liquid fill means, or a plurality of said dispensing orifices, or a plurality of said dispensing conduits or a plurality of said targets to impact.

5

Remarks

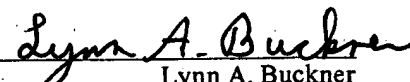
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Claim 22 has been added and Claims 14-16 and 18-21 have been amended to avoid dependence on deleted claims and to more clearly state the claimed material. No new material added.

15

Respectfully submitted,

20


Lynn A. Buckner
706-931-2125



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,868	07/22/2003	Lynn A. Buckner		7656

MAY 26 2006
7590 05/23/2005
LYNN A. BUCKNER
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EXAMINER	
NOVOSAD, CHRISTOPHER J	

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Due June 20

Office Action Summary

Application No.

10/624,868

Applicant(s)

BUCKNER, LYNN A.

Examiner

Christopher J. Novosad

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-10 have been canceled.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 11, 14/11, 15/11, 16/11, 17/11, 18/11, 19/11, 20/11, and 21/11, drawn to a method of boring in dirt, classified in class 299, subclass 017.
- II. Claims 12, 14/12, 15/12, 16/12, 17/12, 18/12, 19/12, 20/12, and 21/12, drawn to method of demolition, classified in class 299, subclass 016.
- III. Claims 13, 14/13, 15/13, 16/13, 17/13, 18/13, 19/13, 20/13, and 21/13, drawn to a method of propulsion, classified in class 060, subclass 204.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a target to be impacted. The subcombination has separate utility such as in situations not requiring the step of boring in dirt.

Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require

Art Unit: 3671

the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a method of propulsion. The subcombination has separate utility such as in situations not requiring the step of boring in dirt.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a method of propulsion. The subcombination has separate utility such as in situations not requiring a target to be impacted.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, Fig. 1;

Species II, Figs. 2-4;

Species III, Fig. 5;

Species IV, Fig. 6.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

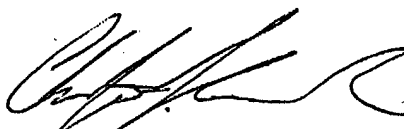
Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

May 18, 2005